



**State of Tennessee  
Department of Environment and Conservation  
Division of Water Pollution Control  
Mining Section  
3711 Middlebrook Pike  
Knoxville, Tennessee 37921  
PHONE (865) 594-6035 FAX (865) 594-6105**

**Notice of Public Meeting**

**Public Notice: M2008-26  
Issuance Date: December 11, 2008  
Last Day to Submit Written Comments: February 9, 2009**

**NOTICE IS HEREBY GIVEN**, that in response to an NPDES permit application to modify an existing NPDES permit to discharge treated mine runoff into high quality waters the Division of Water Pollution Control, Mining Section, will hold the following public meeting. The meeting is held pursuant to *Rule 1200-4-3-.06* of the Tennessee Department of Environment and Conservation.

**Thursday, January 29, 2009  
7:00 p.m. EST  
Indoor Pavilion  
Cove Lake State Park  
110 Cove Lake Lane  
Caryville, Tennessee**

The purpose of the meeting is to consider information presented to the Division regarding the economic and social justification for the expanded discharge of treated mine wastewater and storm water to Exceptional Tennessee Waters (ETWs) by the following applicant:

**Company Information**

National Coal Corporation  
Mr. James R. Patterson  
8915 George Williams Road  
Knoxville, TN 37923

**Site Information**

Jordan Ridge Refuse Area  
NPDES Permit TN0062961  
Highway 116 at Graves Gap  
Anderson County  
Windrock, TN 37840

The site is located one mile Southeast of the Smoky Junction community on the Block (128 SE) USGS Quadrangle Map. The specific location coordinates of the site are Latitude 36°17'06" North, Longitude 84°20'48" West. This coal refuse disposal area has been covered by an NPDES permit at its present location since 1989.

The proposed permit modification is for the addition of pond 007. This structure will receive drainage redirected from pond 006. This action will increase the treatment efficiency of pond 006 prior to discharging. Pond 007 presently collects storm water from the permit area and does not have any coal wastes impacted water. However, it is possible within five years pond 007 will have coal mine wastes water influences. Even though Old House Branch is not listed as ETW, it does discharge to New River that is presently designated as Exceptional Tennessee Waters. (ETW).

In Exceptional Tennessee Waters, no degradation will be allowed unless and until it is affirmatively demonstrated to the Department that the expanded discharge is justified as a result of necessary economic or social development and it will not interfere with or become injurious to any of the classified uses for such waters.

*Rule 1200-4-3-.04* defines “degradation” as the alteration of the properties of waters by the addition of pollutants, but alterations having no measurable or less than a five-percent loss of assimilative capacity will not be considered degradation.

The discharge parameters that are limited by this NPDES permit are Total Suspended Solids (TSS), Iron, Manganese, and pH. There is not an approved method to determine the assimilative capacity of streams for TSS. The Division is considering the addition of any pollutant to the stream as degradation.

The company has conducted the required alternatives analysis and provided the necessary social and economic information to justify the expanded discharge. It has also demonstrated the financial and technological capacity to support expanded operations. Sediment and erosion control measures and treatment systems are appropriately sized to treat the wastewater to meet permit effluent limits and water quality standards.

Written comments will be accepted at the meeting and until **February 9, 2009**.

Interested persons may obtain additional information, a copy of the application, and supporting documentation from the permit files maintained at the Mining Section’s office at the letterhead address. There is a nominal fee for copying. These files are available for public inspection during normal visiting hours by contacting Tina Jones by e-mail at [Tina.E.Jones@state.tn.us](mailto:Tina.E.Jones@state.tn.us) or by phone at (865) 594-5616 to schedule an appointment for the review. A copy of the permit application will be available for review at the meeting.

ADA inquiries should be directed to the ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor, L & C Tower, Nashville, TN 37243, **1-866-253-5827**. Hearing impaired callers may use the Tennessee Relay Service (**1-800-848-0298**). Such contact may be in person, by writing, telephone, or other means and should be made no later than **December 19, 2008**, to allow time to provide such aid or services.